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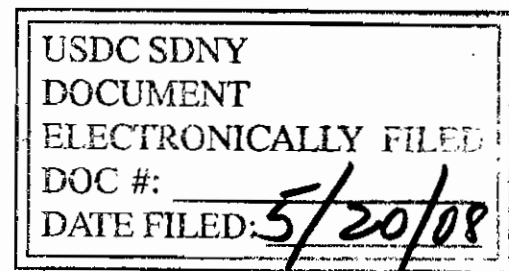
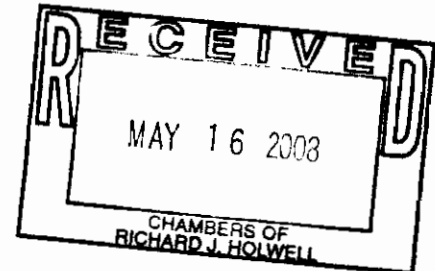
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May 16, 2008

VIA FACSIMILE / (212)-805-7948

Hon. Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1950
New York, NY 10007

Re: Pena et al. v. SP Payroll, Inc., et al.
Index No. 1:07-cv-07013-RJH



Dear Judge Holwell:

We write out of an abundance of caution to inform the Court that due to scheduling issues with respect to conducting the depositions of certain Defendant witnesses, we will need to conduct discovery beyond the current deadline for the close of discovery. The end of fact discovery is set for today, May 16, 2008 under the Court's April 30, 2008 Order.

While the parties have agreed amongst themselves that such an extension is necessary, under Rule 1 F of the Court's individual rules, we respectfully request that the Court grant us the courtesy of further extending the discovery schedule.

Plaintiffs still need to conduct depositions of defendant witnesses, and further ascertain if any limited additional discovery is needed as a result of information learned in those depositions. We expect to finish conducting the depositions, absent any other scheduling difficulties, within the next three weeks, as the defendant witnesses are not available before then.

Required Statements Under the Court's Individual Rule 1F

- Today is the date for the close of discovery under the 4/30/08 Scheduling Order.
- There was one previous request for an extension of discovery in this matter, (prompting the 4/30/08 Order).

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- This previous request was granted.
- Our adversary has agreed to the request. Plaintiffs submit that the parties are fully cooperating with each other with respect to finishing discovery, and this is simply a scheduling issue.

We thank the Court for its attention to this matter.

Very truly yours,

Michael Faillace

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all pre-trial
scheduling date
extended by 30
days. No further
extensions absent
extraordinary circumstances
SO ORDERED
QJ-44
USDJ
5/20/08